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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,073	11/21/2001	Koji Hiraki	216243US3	9752

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EXAMINER

GREEN, CHRISTY MARIE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 06/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,073

Applicant(s)

HIRAKI, KOJI

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action for serial number 09/989073, entitled Energy-Saving Housing, filed on November 21, 2001.

Claim Objections

Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits. ✓

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the floor part" and "the lower floor" in line 7. There is insufficient antecedent basis for this limitation in the claim. Because these limitations were not previously stated earlier within claim 1, they lack antecedent basis. The suggested terminologies with these limitations are as follows: "a floor part" and "a lower floor". ✓

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henley et al., US Patent # 4,852,310 in view of Kawanomoto et al., US patent # 6,247,747 and further in view of Hollemann, US patent # 4,301,859.

Henley discloses the claimed invention of an energy-saving housing including wall parts including inner walling (column 2, lines 50-52), ceiling/roof parts (column 2, lines 48-50); except for the walling, ceiling/roof parts made from inorganic material and a heat insulator made from organic foamed material, a floor heating device provided at least at the floor part of the lower floor. Kawanomoto teaches that it is known to provide
→ the walling, ceiling/roof parts made from inorganic material and a heat insulator made from organic foamed material (column 7, lines 23-27). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the walling material of Kawanomoto with the walls of Henley in order to improve the heat insulating property of the whole of the panel and to lighten the weight of the panel (column 9, lines 44-49). Hollemann teaches that it is know to provide a floor heating device within housing (figure 1). It would have been obvious for one having ordinary skill in the art at the time the invention was made to provide the floor heating device of Hollemann with the housing of Henley in order to provide an optimum uniform heat distribution form the heating pipes to the floor (column 1, lines 63-65) and to provide a hot water surface heater which can be installed in existing rooms without difficulty (column 1, lines 31-34).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henley et al. in view of Kawanomoto et al. and further in view of Hollemann, in view of Elson, US patent # 4,182,085.

Henley in view of Kawanomoto and further in view of Hollemann discloses the claimed invention as stated above in claim 1, except for ceiling parts with a heat transmission coefficient of $0.1 \text{ W/m}^2 \text{ K}$ through $0.7 \text{ W/m}^2 \text{ K}$, preferably $0.15 \text{ W/m}^2 \text{ K}$ through $0.35 \text{ W/m}^2 \text{ K}$. Elson teaches that it is known to provide ceiling parts with a heat transmission coefficient (column 1, lines 62-66). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ceiling parts of Elson with the housing of Henley in view of Kawanomoto and further in view of Hollemann in order to reduce energy consumption in a building (column 1, lines 15-17). In regards to the values of the heat transmission coefficient, it would have been an obvious matter of design choice, since applicant has not disclosed that these values would solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the ceiling part of the invention cited above.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henley et al. in view of Kawanomoto et al. and further in view of Hollemann, in view of D'Souza, US patent # 5,902,183.

Henley in view of Kawanomoto and further in view of Hollemann discloses the claimed invention as stated above in claim 1, except for a programmed ventilator. D'Souza teaches that it is known in the art to provide a programmed ventilator in housing (column 4, lines 13-16 and lines 35-41). It would have been obvious to one

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having ordinary skill in the art at the time the invention was made to provide the programmed ventilator of D'Souza with the housing of Henley in view of Kawanomoto in view of Hollemann in order to provide energy savings to the user and reduce air conditioning costs (column 4, lines 25-27).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


cg

June 3, 2002


Carl D. Friedman
Supervisory Patent Examiner
Group 3600